

Serial No.: 09/746,872

**In the United States Patent and Trademark Office**

Applicant:	David J. Tyrrell et al.	Docket	16,498
Serial No.:	09/746,872	Group:	3761
Confirmation No.:	9386	Examiner:	Jamisue A. Webb
Filed:	December 22, 2000	Date:	November 12, 2002

For: **ABSORBENT ARTICLES WITH HYDROPHILIC COMPOSITIONS CONTAINING ANIONIC POLYMERS**

**Amendment – B**

Box AF  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.116 and in response to the Final Office Action mailed September 12, 2002, the following remarks are submitted for your consideration.

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**Remarks**

In the Final Office Action mailed September 12, 2002, claims 1-57 are pending in the application. Claims 8-9, 35-36, 42, 44 and 48 are withdrawn from consideration. Claims 1-7, 10-34, 37-41, 43, 45-47 and 49-57 are rejected.

**1. Rejection of Claims as Obvious Over Krzysik in View of Klofta and Beerse**

In the Final Office Action mailed September 12, 2002, the Examiner rejects claims 1-7, 10-34, 37-41, 43, 45-47 and 49-57 as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,149,934 issued to Krzysik et al. (hereinafter "the Krzysik patent") in view of U.S. Patent No. 6,238,682 issued to Klofta et al. (hereinafter "the Klofta patent") and in view of U.S. Patent No. 6,294,186 to Beerse et al. (hereinafter "the Beerse patent"). Applicants maintain that a *prima facie* case of obviousness has not been established because, among other reasons, the Examiner has improperly cobbled individual elements of the three cited references together using the present application to perform hindsight reconstruction.

In the Final Office Action mailed September 12, 2002, the Examiner renews her grounds for rejection stated in the first Office Action mailed March 18, 2002. In addition, the Examiner responds to the remarks made in Applicants' Amendment submitted on July 2, 2002. In response to Applicants' argument that the Examiner has not identified why one of ordinary skill in the art would be motivated to